

Tennessee Department of Health
Bureau of Licensure and Regulation
Division of Emergency Medical Services
Regulatory Board Meeting
March 23, 2005

APPROVED JUNE 22, 2005

Chairman Darren Ellenburg called the first quarter meeting to order at 9:00 am in the Tennessee Room of the Cordell Hull building, located at 425 Fifth Avenue North, Nashville, Tennessee.

Chairman Ellenburg welcomed everyone and introduced the paramedic programs attendees of Jackson State, Walter State and Southwest Community Colleges.

The roll was taken:

Dr. Charles Alderson	present
Chief David Baxter	present
Susan Breeden	absent
Robert Byrd	present
Dr. Julie Dunn	present
Susan Earl	present
Larry Griffin	present
Mark King	present
Donald Mosby	present
Dr. Steve White	absent (9:15)
Jackie Wilkerson	present
Ken Wilkerson	present
Chairman Ellenburg	present

Two new board positions had not been appointed by the December 2004 Board Meeting; therefore, the chairman position was chosen as an interim position for Mr. Ellenburg. The positions were appointed. The appointed members were Dr. Julie Dunn, Trauma Director at Johnson City Medical Center and medical director for Washington County/Johnson City EMS and Ms. Susan Breedan, the hospital administrator for Baptist Huntingdon Hospital in Carroll County, West Tennessee. There was now a full sitting board of thirteen members.

The floor was opened for nominations for chairman. County Executive Larry Griffin nominated Darren Ellenburg to continue as Chairman; seconded by Jackie Wilkerson. EMS Director, Joe Phillips, called any further nominations. No further nominations were offered. A voice vote was taken. All members voting yes; no abstentions.

Chairman Ellenburg thanked the Board for the confidence shown in him for the chair position.

PROPOSED NEW LAW FOR BACKGROUND CHECKS

Chairman Ellenburg introduced Mr. Jerry Kosten, Rules and Regulation Coordinator, in the Bureau of Licensure and Regulation for the Tennessee Department of Health. Mr. Kosten informed the Board of the State Comptroller's office conducting an audit on the State licensing boards. At that time, other state departments were conducting background checks on new applicants as standard procedure. There was some surprise the Department of Health was not requiring criminal background checks for new applicants. This legislation was addressed and passed in a senate bill last year; however, the bill has not made it's way out of the House of Representatives. The Commissioner of Health, Dr. Kenneth Robinson, considers this to be a priority and wished for the EMS Board to authorize a rulemaking hearing to start the process to pass this.

The Department of Health has applied to the FBI for an originating identifying number. We have received the number identifier. The Tennessee Bureau of Investigation has contracted with a vendor, Identics Identifications Services, for background checks. The company has about thirty locations in Tennessee to process fingerprint scans. The applicant would make an appointment, give the identifier number, pay a fee of \$56.00 to complete the fingerprint scan. The results would be sent to the particular licensing board. Assistant Commissioner, Ms. Judy Eads, would like to have the results sent electronically. There are still many details to address such as multi-reporting and prior background checks.

The draft language would read similar to: *"An Applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials the result of a criminal background check."*

Larry Griffin made the motion to send the proposed rule for "criminal background checks" to a rulemaking hearing; seconded by Ken Wilkerson. By a voice vote, the motion passed unanimously.

CONSIDERATION/VOTE ON RULE AMENDMENTS: 1200-12-1-15

Chairman Ellenburg called Richard Land to address the amendments. Mr. Land reported the rulemaking hearing for the amendments was conducted on March 10, 2005. Mr. Land distributed the rulemaking minutes and the comments received. Comments submitted were from Terry Arnold and Anthony Roberts of Carter County Emergency & Rescue.

The language *"submit a report in writing"* has been removed, and *"written or electronic format approved by the Division or the Board"* has been inserted. Under circumstances or emergencies that preclude the submission of the report, *"circumstances or other emergencies preclude submission of the report at the time of arrival at the emergency department; the attending personnel must give a verbal report of the above information to receiving personnel at the healthcare facility with the individual signing for receipt of the verbal report before attending personnel leave the healthcare facility."* This report,

while classified as confidential, shall be deemed as essential element in continuity of care.” The result of the change is to eliminate the name of the patient as identifying information in a dispatch log. There are statutes which say dispatch logs of public agencies are public information. This also indicates that compliance may be demonstrated by a single log or such combination of records that can confirm the required information.

Subparagraph (b) enables the EMITS information system for reporting and using the correct definitions for language and format for submission to the State.

Ken Wilkerson asked about Item (c), the last sentence states “the report should be submitted in not less than twenty-four (24) hours”; Mr. Wilkerson made the motion to accept the proposed rules with the changes from “less than” to “within 24 hours”. Don Mosby gave the second on the motion. A roll call vote was taken.

Dr. Alderson	yes	Larry Griffin	yes
David Baxter	yes	Donald Mosby	yes
Susan Breeden	absent	Mark King	yes
Robert Byrd	yes	Dr. White	yes
Dr. Dunn	yes	Jackie Wilkerson	yes
Susan Earl	yes	Ken Wilkerson	yes
Chairman Ellenburg	yes		

MOTION PASSED

COMMUNICATIONS

AIR AMBULANCE

The committee has reassembled and met February 24 in Gatlinburg. A teleconference is scheduled for the morning of March 29 at 10:00 am. Then, the next meeting is planned for May 17th in Cookeville. Steve Straughen, Erlanger Life Force Program Director, was elected chairman of the committee. Mr. Land asked Chairman Ellenburg to appoint a board member to sit on the committee. Chairman Ellenburg asked board member Robert Byrd to sit on the committee. After asking about a possible conflict of interest question to the Division legal counsel, Richard Russell, Mr. Byrd accepted the committee position. Chairman Ellenburg gave Richard Land the responsibility to choose two other experienced directors. Mr. Land selected current board member, Jackie Wilkerson, Director of Robertson County EMS and previous board member, Steve Jones, Director of Macon County Ambulance Service.

Mr. Russell reminded the Chair any task force or committee, etc. which had two or more sitting board members would have to be “sunshined” due to the public meeting requirements.

A break was called to move the board meeting to the Cumberland Room for the remainder of the meeting.

The Board reconvened to hear the Agreed Order on Baptist Memorial Hospital/Huntingdon EMS. Advisory Attorney, Ms. Juanita Presley, presented the agreed order to the board for their review. Chairman Ellenburg asked Dr. Julie Dunn to read the “Findings of Fact” and page 6, (a thru c). After further review and questions by the board, Jackie Wilkerson moved to accept the Agreed Order. Mark King seconded the motion. A roll call vote was taken.

Dr. Alderson	yes	Mark King	yes
David Baxter	yes	Donald Mosby	no
Robert Byrd	yes	Dr. White	yes
Dr. Julie Dunn	no	Jackie Wilkerson	yes
Susan Earl	no	Ken Wilkerson	no
Larry Griffin	no	Chair Ellenburg	yes

MOTION PASSED BY SEVEN (7) YES; FIVE (5) NO

The contested case regarding Christel Clemons, EMT-IV, began, with the Honorable Administrative Law Judge, Ann Johnson presiding. (See attachment #1 for proceedings.)

The contested case of Danny Bruce Hunter was heard before the board. (See attachment #2 for proceedings)

Chairman Ellenburg called for a lunch break.

The meeting was called back to order at 1:00pm. Chairman Ellenburg asked for the record to show that Mr. Griffin had to leave, and would be absent for the remainder of the meeting.

CONSENT ORDER: MICHAEL T. DICKENSON, EMT-IV

Ms. Alisha Hodge presented the consent order to the board. The “Stipulations of Facts” were read to the board members which included the discipline. Jackie Wilkerson made the motion to accept and ratify the Consent Order as presented; seconded by Susan Earl. By a roll call vote,

Dr. Alderson	yes	Donald Mosby	yes
David Baxter	yes	Dr. Steve White	yes
Robert Byrd	yes	Jackie Wilkerson	yes
Dr. Julie Dunn	yes	Ken Wilkerson	yes
Susan Earl	yes	Chairman Ellenburg	yes
Mark King	yes		

MOTION CARRIED to ratify the Consent Order, which revoked Mr. Dickenson’s Dispatch and EMT-IV licenses.

LETTER OF REPRIMAND: AMERICARE AMBULANCE SERVICE

Ms. Hodges presented a reprimand letter on the Americare Ambulance Service, Memphis, Tennessee to the board. Chairman Ellenburg informed Ms. Hodges this Reprimand Letter had not been placed on the Sunshine Notice and could not be heard by the Board at this meeting.

CLINICAL ISSUES COMMITTEE